

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CARL LANE,)	
)	
Plaintiff,)	Civil Action No. 05-1664
)	
v.)	Chief Judge Ambrose
)	Magistrate Judge Caiazza
L.S. KERNS-BAN,)	
)	
Defendant.)	

MEMORANDUM ORDER

Carl Lane's ("Lane" or "the Plaintiff") Complaint filed pursuant to 42 U.S.C. §1983 was received by the Clerk of Court on December 2, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report, filed on July 23, 2007, recommended that Defendant Krens-Ban's Motion to Dismiss (Doc. ~~71~~⁷³) be granted, and that the Plaintiff's Motion for Summary Judgment (Doc. 85) be denied. The parties were allowed ten days from the date of service to file objections. The Plaintiff's objections were filed on August 2, 2007.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, and the objections filed thereto, the following ORDER is entered:

AND NOW, this 14th day of Aug., 2007,

IT IS HEREBY ORDERED that Defendant Krens-Ban's Motion to

Dismiss (Doc. ⁷³~~71~~) is GRANTED, and that the Plaintiff's Motion for Summary Judgment (Doc. 85) is DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 88), dated July 23, 2007, is adopted as the opinion of the court. The Clerk is directed to mark this case CLOSED.

s/Donetta Ambrose
Donetta Ambrose
Chief U.S. District Court Judge

cc:
Carl Lane, AS-1293
SCI Fayette
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